S.B. CIVIL WRIT PETITION NO.3764/2004
Mangal Singh
vs
State of Rajasthan & Ors.

DATE OF ORDER : - 13.7.2007

HON'BLE MR.PRAKASH TATIA,J.

Mr.Vijay Bishnoi, for the petitioner.
Mr.H. Maheshwari, for the respondent.
Mr.OP Boob, Addl. GA.

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At the request of learned counsel for the parties, the writ petition heard finally.

According to petitioner, the petitioner applied for grant of Patta for the land in question. The Urban Improvement Trust, Jodhpur granted Patta for the land to the petitioner and got it registered on 27th Nov., 2002, copy of which has been placed on record as Annex.7. The petitioner's said Patta was cancelled vide order dated 9th July, 2004 by the Secretary, UIT, Jodhpur. According to petitioner, the UIT or Secretary, UIT without giving any notice or affording any opportunity of hearing to the petitioner, passed the impugned order dated 9th July, 2004.

It is submitted that the Patta was cancelled on the ground that land in question was already allotted to one Shri Prakash Ashram Sewa Sansthan by the District Collector. According to learned counsel for the petitioner, the said Shri Prakash Ashram

Sewa Sansthan was to deposit Rs.13.96,967/- but the said Sansthan did not deposit the amount and, thereafter, the State Government issued order only on 22.8.2003 and allotted the land free of cost to the said Sansthan. Before this order dated 22.8.2003, the Patta already executed and registered in favour of the petitioner.

In view of the above reasons, according to learned counsel for the petitioner, the order dated 9th July, 2004 passed by the Secretary, UIT, Jodhpur is void ab initio as the same has been passed in violation of the principles of natural justice. It is also submitted that in fact, the land is in possession of the petitioner, whereas the respondents' contention is that the land is in possession of the said Sansthan.

Be that as it may, since the order dated 9th July, 2004 was passed without affording any opportunity of hearing to the petitioner, therefore, only on this count alone, the order dated 9th July, 2004 deserves to be set aside. Hence, set aside. The petitioner is given liberty to submit his representation before the UIT, Jodhpur with all his objections within a period of one month from today. The Secretary, UIT, Jodhpur is requested to hear all the concerned parties including Shri Prakash Ashram Sewa Sansthan and, thereafter, may pass appropriate order within a period of three months after submission of the representation by the petitioner.

Meanwhile, both the parties shall maintain status quo with respect to the property in dispute till the matter is decided by the UIT, Jodhpur.

The writ petition of the petitioner is allowed in terms referred above.

(PRAKASH TATIA), J.

c.p.goyal/-